

## REMARKS

The above Amendments and these Remarks are in reply to the Office action mailed January 12, 2006. Claims 32-37, 40-48, 50, 52-58 and 60-64 are presented herewith for consideration.

Currently, claims 32-37, 40-48, 50, 52-58 and 60-64 are pending. Applicants have amended claims 41, 43 and 57 and cancelled claims 32-40 and 45-56. Applicants respectfully request reconsideration of claims 32-37, 40-48, 50, 52-58 and 60-64.

### I. Summary of the Examiner's Rejections

Claims 32-37, 40-48, 50, 52-56, and 60-64 were rejected under 35 U.S.C. 102(e) as being anticipated by *Rice III* (US Patent Application No. 2002/0174010).

Claims 40, 50, 52, 54, and 60-64 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Rice III* (US Patent Application No. 2002/0174010) in view of *Beverina et al.* (US Patent Application No. 2001/0027389).

### II. Summary of the Amendments

Applicant has amended claims 41, 43 and 57 and cancelled claims 32-40 and 45-56.

### III. Objection involving Allowable Subject Matter

Examiner indicated that claims 41-44 and 57-58 were objected to as being depended on a rejected base claim, but would be allowable if rewritten in independent form including all the of the limitations of the base claims and any intervening claims.

Applicant has rewritten claims 41, 43 and 47 as independent claims that include all the of the limitations of the base claim and corresponding intervening claims. Dependent claim 42 depends on rewritten claim 41, dependent claim 44 depends on rewritten claim 43, and dependent claim 58 depends on rewritten claim 57. Applicant submits that claims 41-44 and 57-58 are in condition for allowance and requests the rejection be withdrawn.

III. Rejection under 35 USC §102(e)

Examiner rejected claims 32-37, 40-48, 50, 52-56, and 60-64 as being anticipated by United States patent Application No. 2002/0174010 (hereinafter “Rice”).

Applicant addresses this rejection with the understanding that the rejection does not cover claims 41-44 and that the Examiner’s indication that the rejection covers claims 40-48 was a typographical error. Rather, due to the Examiner’s indication in the Office Action that claims 41-44 contain allowable matter, Applicant assumes that the Examiner intended to indicate that the rejection applies to claims 40 and 45-48 instead of claims 40-48.

In order to expedite prosecution, Applicant has cancelled claims 32-37, 40, 45-48, 50, 52-56, and 60-64. Cancellation of the claims renders the rejection under 35 USC §102(e) moot. Applicant reserves the right to reintroduce and prosecute the cancelled claims in a continuation or other application.

IV. Rejection under 35 USC §103(a)

Examiner rejected claims 40, 50, 52, 60-64 as being unpatentable over Rice in view of by United States patent Application No. 2001/0027389 (hereinafter “Beverina”).

In order to expedite prosecution, Applicant has cancelled claims 40, 50, 52, 60-64.

Cancellation of the claims renders the rejection under 35 USC §103(a) moot. Applicant reserves the right to reintroduce and prosecute the cancelled claims in a continuation or other application.

V. Conclusion

Based on the above amendments and these remarks, reconsideration of Claims 32-37, 40-48, 50, 52-58 and 60-64 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

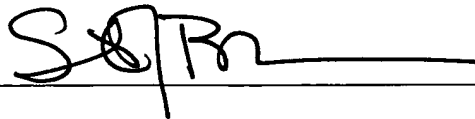
Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, July 12, 2006.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: July 12, 2006

By: \_\_\_\_\_



Steve Bachmann  
Reg. No. 50,806

VIERRA MAGEN MARCUS & DENIRO LLP  
575 Market Street, Suite 2500  
San Francisco, CA 94105-2871  
Telephone: 415-369-9660  
Facsimile: 415-369-9665